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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,721	12/26/2000	Kazuki Matsui	1405.1030 (JDH)	9516

21171 7590 01/09/2006

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EXAMINER

RETTA, YEHDEGA

ART UNIT PAPER NUMBER

3622

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,721

Applicant(s)

MATSUI ET AL.

Examiner

Yehdega Retta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed October 31, 2005. Applicant amended claims 2, 3, 11 and 12. Claims 1-12 are currently pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Stiles et al. (US 6,842,737).

Regarding claims 1-3, 10-12, Stiles teaches automatically broadcasting to an information terminal for a given person pre-registered advertising information or reference information in connection with dates and times and/or places appropriate to the an itinerary (see abstract, col. 1 line 27 to col. 2 line 22, col. 3 lines 25-39, col. 7 line 29 to col. 8 line 53). Stiles teaches

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providing travel-plan schedules to third parties and accepting from the third part relevant information and broadcasting at predetermined timings the relevant information (see col. 7 line 10 to col. 8 line 53, col. 9 lines 30 to col. 10 line 25 and fig 18).

Regarding claims 4-9, Stiles teaches predetermined personal information stored correlating with the communication addresses wherein the addresses are changed according to travel-plan schedule wherein the third part is billed according to broadcast count, etc (see col. 2 lines 4-22, col. 8 line 14 to col. 9 line 28, col. 9 line 37 to col. 10 line 65).

Response to Arguments

Applicant's arguments filed October 31, 2005 have been fully considered but they are not persuasive.

Applicant argues that the prior art, Stiles, does not teach automatically broadcasting to an information terminal pre-registered advertising information or reference information in connection with dates and times, and/or places appropriated to the itinerary. Applicant states that information is provided to a user while is actually traveling. Examiner would like to point out that nowhere in the claims does indicate that the information is provided while the user is actually traveling. Claim 1, e.g., recites consulting a given person's itinerary and automatically broadcasting advertising or reference information in **connection with dates and times and/ or places appropriate to the itinerary**, same as Stiles invention.

Applicant's specification teaches; "Broadcasting may be performed before a travel or transit as well as during travel that meets broadcasting prerequisites".

Applicant also argues that Stiles's TIR does not change simultaneously with the progress of the travel. Claim 2, recites matching the broadcasting prerequisites for the relevant

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information with the travel schedule, extracting travelers who meet the broadcasting prerequisites, and broadcasting the relevant information to the extracted travelers' communications addresses according **to progress of the travel schedule**.

Applicant's specification teaches "registering in the information-provision service device relevant information in connection with to-be-visited travel destinations in the travel schedule, as well as broadcasting prerequisites for broadcasting the relevant information; and matching the broadcasting prerequisites for the relevant information with the travel schedule, extracting travelers who meet the broadcasting prerequisites, and broadcasting the relevant information to the extracted travelers, communications addresses according to the progress of the travel schedule.

Stiles teaches (see abstract) "(t)he associated system performs these functions, among others, to provide information for a traveler planning a trip to a particular destination or destinations", i.e., providing information according to the time or place of the first destination and the time and place of the second destination, which is the progress of the travel schedule (same as applicant's invention).

According to Applicant's disclosure the system refers to customers travel plan or schedule to provide relevant information, which is the same as Stiles's system.

Applicant also argues that in Stiles the information is sent to the consumer when the user requests it (e.g., when the consumer logs on to a website to view it). Examiner respectively disagrees. The information is broadcasted (push technology) to the user system when it becomes available however the user accesses the information only if he or she is logged in which is the case for information provided through a web site. Applicant's specification

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indicates that the user terminal as a PC, mobile phone, etc. and Stiles's application teaches the information being displayed on a web site (i.e. displayed on a PC or mobile phone). The system used by Applicant is the same as Stiles. If applicant contends that the system used is different, applicant is not clearly claiming the system used which could patentably distinguish it from the prior art.

Other independent claims recite similar limitations.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YR


RETTA YEHDEGA
PRIMARY EXAMINER